

On-Site Consumption Relevant Sections of Adult Use Statutes

Chapter 55 Section 26 (a 1/2) (iv): procedures and policies to promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities;

Chapter 94G Section 4(b) In furtherance of the intent of this act, the commission may also adopt regulations in accordance with chapter 30A of the General Laws which:

(1) establish and provide for issuance of additional types or classes of licenses to operate marijuana-related businesses, including licenses that authorize only limited cultivation, processing, manufacture, possession or storage of marijuana or marijuana products, limited delivery of marijuana or marijuana products to consumers, licenses that authorize the consumption of marijuana or marijuana products on the premises where sold, licenses that authorize the consumption of marijuana at special events in limited areas and for a limited time and licenses intended to facilitate scientific research or education;

Chapter 94G Section 4(c) Regulations made pursuant to this section shall not:

- (1) prohibit the operation of a marijuana establishment either expressly or through regulations that make operation of a marijuana establishment unreasonably impracticable;
- (3) require a customer to provide a marijuana retailer with identifying information other than identification to determine the customer's age and shall not require the marijuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;

Appendix of Definitions

“Club”, a corporation chartered for any purpose described in section two of chapter one hundred and eighty, whether under federal or state law, including any body or association lawfully operating under a charter granted by a parent body so chartered, and including also any organization or unit mentioned in clause twelfth of section five of chapter forty, owning, hiring, or leasing a building, or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members; provided, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at its annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of marijuana products beyond the amount of such salary as may be fixed and voted annually within two months after January first in each year by the members or by its directors or other governing body and as shall in the

judgment of the local licensing authorities and the commission be reasonable and proper compensation for the services of such member, officer, agent or employee. Such club shall file with the local licensing authorities and the commission annually within three months after January first in each year a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of marijuana products.

“Commission”, The Cannabis Control Commission.

“Consumer”, a person who is at least 21 years of age.

“Continuing care retirement community”, a facility providing continuing care to residents as defined by section 76 of chapter 93; provided, however, that such facility shall include a certified assisted living residence pursuant to chapter 19D.

“Daily Purchase Limit”, the amount of cannabis a consumer can purchase from an onsite consumption marijuana retailer in a twenty four hour period equivalent to 0.35 ounces of finished marijuana product or the equivalent in concentrates.

“Dermal Marijuana Infused Products”, marijuana products infused with a neutral substance and applied to the consumer topically on the skin with no intoxicating effects.

“Hotel”, a building or part of a building owned or leased and operated by a person holding a duly issued and valid license as an innholder, under the provisions of chapter one hundred and forty and provided with adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for its guests, including travelers and strangers and its other patrons and customers, and in addition meeting and complying with all the requirements imposed upon innholders under said chapter one hundred and forty.

“Licensee” - a person or entity licensed by the commission to operate a marijuana establishment under this chapter.

“Licensing authorities”, the commission or the local licensing authorities, or both, as the case may be.

“Lockbox Point of Sale”, Commission issued, locked and secured computer Point of Sale system that tracking all marijuana sales to consumers that is only accessible by the Commission through inspection and audit.

“Mantrap”, a lobby or antechamber used for security, identifying the age of the consumer, odor control and air purification where needed before a consumer is allowed to enter a marijuana retailer.

“Marijuana” or “Marihuana”, all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that “marijuana” shall not include: (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii) hemp; or (iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

“Marijuana retailer”, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

“Marijuana infusion”, all cannabis food or beverages manufactured or produced by an on-site consumption marijuana retailer by mixing or infusing neutral food, beverages, or other marijuana products with or over fruits, flowers, plants or pure juices therefrom, or other natural flavoring materials, food, or with extracts derived from non-marijuana infusions, percolations, or maceration of such materials.

“Marijuana products”, products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

“On-site consumption marijuana retailer”, a marijuana retailer where marijuana products may be sold, as authorized by this chapter, with or without food, to be served to and consumed by patrons in plain view of other patrons that exclusively occupies an enclosed indoor space or outdoor space that is primarily engaged in the retail sale of marijuana products for consumption by consumers on the premises; derives revenues from the sale of food, beverages, and other services that are combined with the sale of the marijuana products; prohibits entry to a person under twenty one years of age during the time when the establishment is open for business; prohibits any food, beverage, or marijuana product not sold directly by the business to be consumed on the premises; and has received municipal approval for the retail sale of marijuana products to be consumed on premises as required to be issued by the appropriate authority in the city or town where the onsite consumption retailer is located; licensed to purchase marijuana and marijuana products from marijuana establishments and sell marijuana and marijuana products to consumers.

“On-site consumption license”, A license issued by the Commission pursuant to G.L. c. 94G § 4 (b) to operate an onsite consumption retail facility for a period of one year from date of issuance.

“On-site retailer agent”, an authorized employee of the licensee who distributes marijuana and/or marijuana products/infusions to consumers.

“Restaurant”, space, in a suitable building, leased or rented or owned by a person holding a duly issued and valid license as a onsite consumption marijuana retailer under the provisions of said chapter fifty five, and provided with adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable marijuana infused and also non-infused food for strangers, travelers and other patrons and customers over the age of 21, and in addition meeting and complying with all the requirements imposed upon on-site consumption marijuana retailers under said chapter fifty five.

“Reusable packaging”, packaging that can used by a consumer, returned, and then cleaned according to specific standards provided by the Commission before being ready to use by the next consumer.

“Revenues”, For the purpose of this regulation only, all gross proceeds from the sale of marijuana products, food, beverages, and services offered by an onsite consumption retailer licensee. The Commission reserves the right to include any other revenues from other closely located, affiliated or otherwise related businesses that are owned or controlled by an owner.

“Unused Marijuana”, any marijuana, marijuana product, or marijuana infusion not consumed and leftover by an adult consumer in an onsite consumption marijuana retail establishment.

“Ventilation”, any air purification requirements of licensing authorities for onsite consumption marijuana retailers that allow smoking or vaporizing of marijuana products.

“Vestibule”, an enclosed portion of the onsite consumption marijuana retailer that complies with smoke free workplace laws for those employees who do not waive their protections to exposure to smoke and vapor.

DRAFT Cannabis Control Commission Provisions Concerning Onsite Consumption Marijuana Retailers

xxx CMR xxx

(A) Onsite Consumption Marijuana Retailers

(1) General Rules for the Licensing of an Onsite Consumption Marijuana Retailer

(a) A on-site consumption marijuana retailer operating in the Commonwealth shall obtain a onsite consumption license ("License") from the Commission. The License issued shall be valid for a period of one years from date of issuance, unless otherwise suspended or revoked. A

valid License that is not suspended at the time of its expiration may be renewed consecutively for 1-year periods.

(b) The application for the License must include a declaration signed by the licensee under the pains and penalties of perjury demonstrating that the on-site consumption marijuana retailers revenues generated from the sale of marijuana products are equal to or greater than 51 per cent of the total combined revenues generated by the sale of marijuana products, food, beverages and services. The declaration received by the Commission shall be confidential and the financial information contained therein shall not be disclosed to the public or any other state governmental agency or department unless otherwise permitted under M.G.L. c. 55.

(c) Applicants must file a Certificate of Good Standing and/or Tax Compliance or a request for a Certificate with the onsite consumption marijuana retailer application. The Commission shall not issue or renew a License to any business that has not filed all applicable tax returns and paid all taxes due the Commonwealth or is delinquent in filing declaration statements in connection with a License.

(d) The Commission shall notify the local board of health or municipal health department in the city or town where a onsite consumption marijuana retailer is located of any Licenses issued or renewed.

(e) A non-refundable fee may be required with each application. Each License issued by the Commission shall be non-transferable and for a specific location and business. An applicant must apply for a separate License for each business location.

(f) The Commission shall have the ability to make special exceptions for onsite consumption marijuana retailer applicants 51% sales from marijuana and/or marijuana products/ infusions requirement in cases where the license applicant is a hotel, restaurant, club, continuing care retirement community, or has presented a revenue plan approved by the Commission.

(2) Quarterly Declaration Statement

Every onsite consumption marijuana retailer must file a quarterly declaration with the Commission on such form, as they may prescribe, no later than twenty days following the end of the preceding quarter, with the following information:

(a) The quarterly declaration shall demonstrate that the revenues generated from the sale of marijuana products is equal to or greater than fifty-one per cent of the total combined revenues generated by the sale of marijuana products, food, beverages or services.

(b) The declaration must be signed by the owner under the pains and penalties of perjury.

(c.) Exceptions to the fifty-one per cent revenue requirements can only be approved by the Commission.

(3) Revocation or Suspension of a License

(a) If a onsite consumption marijuana retailer has not filed a required declaration, the Commission shall give written notice to the onsite consumption marijuana retailer that the declaration is delinquent and shall suspend the License if the onsite consumption marijuana retailer does not submit the required declaration after twenty-one days of the date of notice.

(b) If a onsite consumption marijuana retailer does not demonstrate at the end of a quarter and at year end that the revenues generated from the sale of marijuana products are equal to or greater than fifty-one per cent of the total combined revenues generated by the sale of marijuana products, food, beverages, and services the Commission may suspend or revoke the License for non-compliance with M.G.L. c. 55.

(c) The Commission shall require a new License applicant or Licensee whose License has been suspended or revoked to submit information of its ability to meet the fifty-one percent rule in XXX CMR XXX(1)(b) with an application for a new License or for reinstatement of a suspended or revoked License.

(d) The Commission shall notify the local board of health or municipal health department in the city or town where the onsite consumption marijuana retailer is located of the suspension, revocation or reinstatement of a License.

(e) A licensee may, with the prior approval of the Commission, file its quarterly reports based upon its calendar or fiscal year tax year.

(4) Conference with the Commission

(a) Licensee's request for a conference

1. A licensee notified of the proposed suspension or revocation of a License must request a conference with the Commission within ten days after the date of the issuance of the notification of the proposed revocation or suspension. If the Commission does not receive a request for a conference within the ten day period, the License will be suspended or revoked.

2. A written request for a conference must be sent to the Office of Appeals, Massachusetts Cannabis Control Commission, at the address shown on the notification of revocation or suspension.

3. To expedite processing, a request for a conference should include telephone numbers for the licensee and/or its representative. All requests must include a current address for the

licensee and/or its representative; requests without a full return address will be considered incomplete and without effect.

(b) Conduct of the conference. The conference with the Commissioner is an informal proceeding.

(5) Reinstatement

When an onsite consumption marijuana retailer whose License has been suspended or revoked at the request of the Commission satisfies the Commission that it has filed the required declaration or is otherwise in compliance, the Commission shall reinstate the suspended or revoked License within 5 days after receiving the delinquent report or information.

(6) Enforcement

Remedies the Commission may exercise, without limitation, include the Commission's authority to compel the production of the lockbox point of sale records and to take testimony and proofs under M.G.L. c. 55.

(7) Record Retention

Every on-site consumption marijuana retailer is required to maintain a complete and accurate record of all marijuana products, food, beverages, or services purchased or otherwise acquired and sold through a lockbox point of sales system issued by the Commission. Such record must include copies of statements or invoices containing: the name and address of the original marijuana establishment seller, the name and address of the purchaser, the date of delivery and the quantity purchased and anything else the Commission requires. All records should be maintained in the manner and for the period specified in XXX CMR XXX.

(B) On-site Consumption Marijuana Retailer License Categories

(1) **All Consumption Retail License**, On-site consumption marijuana retailers that allow the smoking and/or vaporizing of marijuana products, marijuana infusions, and the ingestion or topical application of marijuana products.

(a) All Consumption Retail Licenses must abide by all relevant security, air ventilation requirements and safe handling requirements issued by licensing authorities.

(2) **Inhalation Only Retail License**, On-site consumption marijuana retailers that allow for smoking and vaporizing of marijuana products only.

(a) Inhalation Only Retail Licenses must abide by all relevant security and air ventilation requirements issued by licensing authorities.

(3) **Infused Product Retail License**, On-site consumption marijuana retailers that only allows for marijuana infusions and the ingestion of marijuana infused products.

(a) Infused Product Retail Licenses must abide by all relevant security and safe handling requirements issued by licensing authorities.

(4) **Dermal Product Retail License**, On-site consumption marijuana retailers that only allow for application of dermal marijuana infused products.

(a) Dermal Product Retail Licenses must abide by all relevant security and safe handling requirements issued by licensing authorities.

(C) Licenses authorizing sale of marijuana and marijuana products to be consumed on premises; veterans' organizations, corporations, etc.; suspension or revocation; hours of sale; marijuana infusions; legal liability insurance requirement

(1) A on-site consumption marijuana retailer duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel, a club, a continuing care retirement community and a Licensee of a on-site consumption marijuana retailer as defined by this chapter, in any city or town wherein the granting of licenses under this section to sell marijuana and/or marijuana products or any combination thereof, as the case may be, is authorized by this chapter, subject however, in the case of a on-site consumption marijuana retailer, to the provisions of section X, may be licensed by licensing authorities, subject to the prior approval of the commission, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such marijuana and/or marijuana products to be consumed, in case of a hotel or restaurant or continuing care retirement community licensee, only in areas of a hotel that the licensing authorities may deem reasonable and proper, and approve in writing; and provided further, that the limitations relative to service and consumption in a restaurant or hotel or continuing care retirement community in only rooms or areas deemed reasonable and proper by the licensing authorities shall not be deemed to preclude the restaurant or hotel from allowing a patron to take home remains of a meal and not totally consumed by the patron during such meal as long as it does not contain any marijuana; on-site consumption marijuana retailers sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel, and in such other rooms or areas of buildings on the same premises as the hotel and operated as appurtenant and contiguous to and in conjunction with such hotel, and to registered guests occupying private rooms in such buildings and in the case of condominium accommodations that are located appurtenant and contiguous to and also upon the same premises as a hotel, sales may be made by the hotel licensee as the licensing authorities may deem reasonable and proper, and approve in writing. Such sales may also be made by a continuing care retirement community licensed hereunder, to residents or guests of residents in rooms in a continuing care retirement community, and in Commission approved rooms or areas of buildings on the same premises as the continuing care retirement community and operated as appurtenant and contiguous to and in conjunction with such continuing care retirement community, and to

guests of residents in such buildings; provided, however, that such sales may be made by the continuing care retirement community licensee as the licensing authorities may deem reasonable and proper and approve in writing. Licensing authorities may grant a license for the sale of all marijuana and marijuana products or a license for the sale of only inhaled or on ingested marijuana products or any combination thereof at any location on the grounds of a golf course as it deems reasonable and proper. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of marijuana and/or marijuana products on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. During such time as the sale of such marijuana and/or marijuana products is authorized in any city or town under this chapter, the authority to grant on-site consumption marijuana retailer' licenses therein shall be vested in the licensing authorities; provided, that if a person applies for the renewal of both a on-site consumption marijuana retailer's license under said chapter and a hotel or a restaurant license, as the case may be, under this section and the local licensing authorities refuse to grant said on-site consumption marijuana retailer's or fail to act on the applications therefor within a period of thirty days, such applicant may appeal therefrom to the commission in the same manner as provided in section XX and all the provisions of said section relative to licenses authorized to be issued by licensing authorities under this chapter shall apply in the case of such on-site consumption marijuana retailer's license.

(2) The licensing authorities of any city or town wherein the granting of licenses under this section to sell marijuana and/or marijuana products, as the case may be, is authorized by this chapter, may, subject to the approval of the commission, issue a license to any corporation the members of which are war veterans and which owns, hires or leases in such city or town a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Commonwealth, to sell such marijuana and/or marijuana products to the members of such post only, and also, subject to regulations made by the licensing authorities, to guests introduced by such members and to no others.

(3) The licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized. Different licenses categories issued as aforesaid for any portion of the same license year to the same licensee shall count as one license.

(4) The hours during which sales of such marijuana and/or marijuana products may be made by any licensee as aforesaid shall be fixed by the licensing authorities either generally or specially for each licensee; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner. The licensing authority shall not decrease the hours

during which sales of such alcohol beverages may be made by a licensee until after a public hearing concerning the public need for such decrease; provided, however, that a licensee affected by any such change shall be given 2 weeks notice of the public hearing.

(5) No license issued under this section shall be subject to any condition or requirement varying the occupancy of the licensed premises as certified by any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.

(6) In cities and towns which vote to authorize the granting of licenses for the sale of marijuana and/or marijuana products, specific licenses may nevertheless be granted under this section for the sale of inhaled, ingested, or dermal only marijuana and/or marijuana products, or any combination thereof.

(7) No cannabis or cannabis product shall be sold unless there shall plainly appear on a menu or attached to the product, in legible letters, the brand or trade name of the cannabis and/or cannabis product so sold therefrom and any other labeling requirements of the Commission.

(8) In any city or town wherein the granting of licenses under this section to sell marijuana and/or marijuana products is authorized, a person may be granted a general on-premise license by the licensing authorities, subject to the prior approval of the commission, authorizing him/her to sell marijuana and/or marijuana products without food to patrons and customers subject to all other relevant provisions of this chapter, provided that such marijuana and/or marijuana products shall be sold and consumed in such rooms as the licensing authorities may approve in writing. The annual license fee for such general on-premise license shall be determined by the licensing authorities. For the purposes of this section, a letter of non-opposition shall be considered an authorization for the granting of an on-site consumption marijuana retailer license in a city or town.

(9) On-site consumption marijuana retailers who holds a license pursuant to this section may not provide on premises sample marijuana and/or marijuana product tasting.

(10) In any city or town which votes by ballot to accept the provisions of this paragraph, on-site consumption marijuana retailers, who holds a license under this section to marijuana and/or marijuana products may, upon written approval, also sell marijuana infusions pursuant to said license, subject, however, to all other licensing provisions of this chapter.

(11) A on-site consumption marijuana retailer who holds a license for the sale of all marijuana and marijuana products or any combination thereof and who also holds pursuant to this section written approval to sell marijuana infusions pursuant to his license may not provide on-premises sample marijuana infusions.

(12) A on-site consumption marijuana retailer who holds a license for the sale of all cannabis and cannabis products or any combination thereof may not provide on premises sample marijuana and/or marijuana products.

(D) Special licenses to managers of indoor or outdoor activities; fees

(1) In a city or town wherein the granting of licenses to sell all marijuana and/or marijuana products or any combination thereof is authorized under this chapter, special licenses for the sale of marijuana and/or marijuana products and immediate use on-site, may be issued by the licensing authorities, to the responsible manager of any indoor or outdoor activity or enterprise; provided, however, in any city or town wherein the granting of licenses to sell all marijuana and/or marijuana products is authorized under this chapter, special licenses for the sale of marijuana and/or marijuana products, may be issued by licensing authorities to the responsible manager of any corporation conducting any indoor or outdoor activity or enterprise so long as the marijuana and/or marijuana products come from other licensed marijuana establishments and all taxes are accounted for and paid by the licensee. Temporary marijuana retailer identification cards shall be issued in cases of short term event licenses. The fees for licenses granted under this section shall be fixed from time to time by the licensing authorities and need not be uniform.

(2) A license under this section shall not be granted to any person while his application for a license is pending before the licensing authorities.

(E) Dilution, changing or tampering with marijuana, marijuana products, marijuana infusions; suspension of license; prima facie evidence

(1) Any person holding a license under this section who, directly or through any agent, employee or other person, dilutes or changes or in any manner tampers with any marijuana, marijuana product, or marijuana infusion authorized to be sold under such license so as to change its composition or cannabinoid content shall be punished by a fine of not less than two hundred nor more than five hundred dollars, and if any holder of such a license is convicted of a violation of the foregoing, his license shall forthwith be suspended, for a period of not less than six months, by the licensing authorities which issued the same.

(2) Possession on the licensed premises by any licensee referred to in this section of any marijuana, marijuana product, differing in composition or cannabinoid content from such product when received from the marijuana manufacturer or other marijuana establishment from whom it was purchased, marijuana product cannabinoid content different than what is displayed to the consumer on the menu and labels, except in the case of marijuana infusions as hereinbefore authorized, shall be prima facie evidence that the said marijuana or marijuana product has been diluted, changed or tampered with in violation of this section.

(F) Marijuana Retailer Purchase Identification Cards

(1) Any person who shall have attained age twenty-one and does not hold a valid operator's license issued by the registry of motor vehicles, who also holds a valid onsite consumption marijuana retailer license may apply for a marijuana retailer purchase identification card. Such cards shall be valid for five years and shall be issued by the Commission pursuant to regulations prescribed by the Commission with the advice of the commission and shall bear the name, signature, date of birth, address and photograph of such person. The Commission shall require payment of a twenty-five dollar fee for any card issued pursuant to this section. A marijuana retailer identification card issued by the Commission shall be labeled as "Not for Federal Identification.

(2) Any licensee, or agent or employee thereof, under this chapter who reasonably relies on such a marijuana retailer purchase identification card and motor vehicle license issued, or on an identification card issued under section 8E of chapter 90, or on a valid passport issued by the United States government, or by the government, recognized by the United States government, of a foreign country, or a valid United States issued military identification card, for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of such license, nor shall he suffer any criminal liability, for selling marijuana and/or marijuana to a person under twenty-one years of age. Any licensee, or agent or employee thereof, under this chapter, who reasonably relies on such a marijuana retailer purchase identification card, or an identification card issued under section 8E of chapter 90, or motor vehicle license issued, for proof of a person's identity and age shall be presumed to have exercised due care in making such delivery or sale of marijuana and/or marijuana products to a person under twenty-one years of age. Such presumption shall be rebuttable.

(3) Any person in a licensed premises shall, upon request of an agent of the commission or the licensing authorities, state his name, age, and address. Whoever, upon such request, refuses to state his name, age or address, or states a false name, age, or address, including a name or address which is not his name or address in ordinary use, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars.

(4) Any person who transfers, alters or defaces any such card or license, or who makes, uses, carries, sells or distributes a false identification card or license, or uses the identification card or motor vehicle license of another, or furnishes false information in obtaining such card or license, shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than three months.

(5) Any person who is discovered by a police officer or special police officer in the act of violating the provisions of this section may be arrested without a warrant by such police officer or special police officer and held in custody, in jail or otherwise, until a complaint is made against him for such offense, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

(E) On-site Consumption Consumer Daily Purchase Limitations

Daily consumer purchase limits are based on marijuana and/or marijuana products not being evaluated by laboratory testing for environmental contamination (impurities) assuming that no more than 10 grams (0.35 ounces) of finished plant material (or the equivalent amount of concentrates) will be consumed per day.

(1) On-site Consumption Consumer Daily Purchase Limit equivalent to 0.35 ounces

- (a) 10 grams of marijuana flower - **0.25 gram serving size / max servings* 8**
- (b) 2 grams of marijuana concentrate - **0.10 gram serving size / max servings 5**
- (c) 1400mg of edible marijuana infused products - **10mg serving size / max servings 5**
- (d) 1400mg of dermal marijuana infused products - **50mg serving size / max servings 28**
- (e) Any combination equivalent to 0.35 ounces

** max servings = maximum servings allowed per re-usable package for purchase by the consumer.*

(2) Consumer daily on-site consumption purchase tracking

(a) Consumers daily marijuana and/or marijuana product/infusion purchases shall be tracked through non-identifiable information similar to a common retail transaction in a lockbox point of sale system that can only be audited by the Commission.

(b) Lockbox point of sale systems shall be required to warn on-site retailer agents that a particular consumer they are serving is approaching their daily limit and also prevent the on-site retailer agent from allowing consumers to purchase more than their daily purchase limit.

(3) Municipal Discretion over daily purchase limits at on-site retailers

(a) Municipalities considering on-site consumption marijuana retailers shall be able to restrict the category of on-site consumption marijuana retailer and further restrict daily purchase limits set by the state at such a retailer to suit the sensibilities of their city/town providing that such restrictions are not unreasonably impracticable as defined by c. 55.

(F) Posting notices of penalties for driving while under influence and driving while consuming marijuana and/or marijuana products as well as what constitutes an open container of marijuana.

Any establishment which sells marijuana and/or marijuana products/infusions on the premises, shall post a copy of the penalties set forth by the Commission for driving under the influence. Any establishment which sells marijuana and/or marijuana products/infusions not to be consumed on the premises shall post a copy of the penalties set forth by the Commission for

operating a motor vehicle while consuming marijuana from an open container. Said copies shall be posted conspicuously by the licensee of the respective establishment, and whoever violates this provision shall be punished by a fine of not more than fifty dollars. Any person unlawfully removing a copy so posted shall be punished by a fine of fifty dollars. Said copies, printed in letters not less in size than eighteen point capitals, boldface, shall be prepared by the commission and distributed to onsite consumption marijuana retail establishments which sell, serve or otherwise dispense marijuana and/or marijuana product/infusions to adults twenty one years of age.

(G) Sale of marijuana and/or marijuana products/infusions to person under 21 or intoxicated person; sanctions; liability insurance

In any hearing by Commission where a licensing authorities found that a licensee has served or sold marijuana and/or marijuana products/infusions either to a person under 21 years of age or to an intoxicated person in violation of the Commission's rules within the 24 months immediately preceding the date of the alleged violation that is the subject of the hearing, the commission may require, in addition to imposing any other sanctions, as a condition precedent to any modification, reinstatement or renewal of the license that the licensee provide a certificate of insurance for liability providing security for the liability of the licensee to a limit of not less than \$100,000 to any 1 person and \$200,000 to all persons; provided, however, if the licensee is required to obtain insurance coverage, then the licensing authority may increase the limits set. Limits imposed or increased under this section shall be set at the discretion of the licensing authorities.

(H) Insurance policy required by licensing authority; disclosure to insurer; proof of new insurance

In any case in which a liability insurance policy has been required or the limits of any such policy have been increased as a condition precedent to the modification, reinstatement or renewal of a license as provided in section G, a licensee shall disclose to the insurer that such policy has been required or such policy limits have been increased, shall provide to the liability insurer the mailing address of the licensing authority and shall direct the insurer to include the licensing authority as a recipient of any notice which the insurer is required to issue to the licensee. In any case in which the insurer notifies the licensee and the licensing authorities that it intends to terminate the contract upon expiration of the requisite notice period, the licensee shall provide proof of reinstatement or new insurance to the licensing authorities within such period. If the licensee fails to provide such proof prior to receipt by the licensing authorities of a notice of cancellation from the insurer, the licensing authorities shall suspend such license until proof of insurance is delivered, or revoke such license, at their discretion.

(I) Sale of Marijuana and/or Marijuana Products/Infusions to intoxicated persons

(1) No marijuana and/or marijuana product shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.

(a) The commission shall develop in coordination with law enforcement and other state agencies a required educational course for all on-site retailer agents to spot impairment and understand when to stop serving a consumer.

(J) Cancellation of license upon cessation of licensed business

The licensing authorities may, after hearing or reasonable opportunity therefor, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business. If the licensing authorities determines that a license should be cancelled as aforesaid the licensee may appeal to the commission as if such authorities had refused to grant the license upon an original application therefor, and the decision of the commission upon such appeal shall be final.

(K) Lockbox Point of Sales entries at time of sale of marijuana and/or marijuana products infusions; form

Every licensee shall keep a lockbox point of sales system in which he/she shall enter, at the time of every sale of marijuana and/or marijuana product/infusion, the date thereof, the quantity and price of the marijuana sold, the tax paid by the consumer, and any additional information required by the Commission. Said lockbox point of sale shall be in form set by the Commission.

(L) Re-usable packaging requirements

- (1) Must be cleanable in a manner required by the Commission before every use.
- (2) Must be packaged for sale according to serving size limitations set by licensing authorities.
- (3) Must not be removed from the onsite consumption marijuana retailer unless to be refilled by marijuana packaging facilities.
- (4) Onsite consumption marijuana retailers can choose to purchase product to fill their re-usable packaging from licensed marijuana establishments.
- (5) Onsite consumption marijuana retailers can choose to submit their proposed re-usable packaging for review and approval from the Commission.
- (6) Unused marijuana must be tracked and removed from any re-usable packaging and immediately destroyed and disposed of in a manner required by the Commission by an on-site retail agent.

(M) Employee Vestibule and Waiver

(1) Employees involved in the use of any heavy machinery including but not limited to disposal equipment, transportation, and any kitchen equipment of an onsite consumption marijuana retailer where smoking or vaporizing is allowed must be provided with a vestibule that

complies with all smoke free workplace laws in order to prevent impairment of those employees and the creation of an unsafe workplace.

(2) Employees of an onsite consumption marijuana retailer in which smoking or vaporizing takes place that are not involved in the use of heavy machinery may sign a document provided by the licensee that waives their rights to a smoke free workplace after explaining the potential health hazards from second hand marijuana smoke in the workplace.

(3) Employees of an onsite consumption marijuana retailer are not allowed to consume cannabis at the marijuana establishment they're employed by unless they are a paying consumer after their working hours have ended with no further access to limited access areas.

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